

**Scott McDaniel**

**From:** Richard Garren [RGarren@riggsabney.com]  
**Sent:** Tuesday, March 18, 2008 4:37 PM  
**To:** Scott McDaniel  
**Cc:** Bill Narwold; Bob Nance; Daniel Lennington; dpage@riggsabney.com; David Riggs; Deborah Ellis; Doug Wilson; Elizabeth Claire Xidis; Elizabeth Ward; Fidelma Fitzpatrick; Fred Baker; Ingrid Moll; Jean Burnett; Jonathan Orent; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Michelle Jaromin; Mike Rousseau; Richard Garren; Sharon Gentry; Sharon Weaver; Trevor Hammons; Vaughn Iskanian  
**Subject:** RE: OK v. Tyson - scope of discovery

Scott,

Are there other categories of documents that have not been produced by any defendants? If so, then this undisclosed data would be impossible to list. Types of documents used over the years by each defendant are likely different (as evidenced by documents already produced) and for the State to attempt to play 20 questions with the kind of forms (and content within the forms) that are in the defendants files does not move this closer to the end either. When the title to or the content of a document changes over time is it then the state's fault that it did not know which form should be produced?

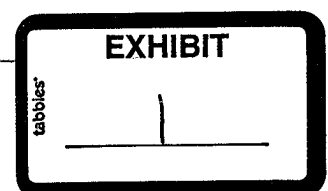
Clearly as you point out bird/house counts are one item the State does request but that data may be more easily extracted from one kind of document than from another. I don't want to "hope and pray" that defendants have chosen the document for the state's use when the state would have preferred another given a choice. Several defendant's have repeatedly said over time that they have not kept any bird numbers by watershed. This has proven to be false. Likewise requests to admit have been denied when documents produced by various defendants would indicate otherwise. You know what we mean when we say poultry waste and we know what you mean when you say poultry litter. Given the number of objections and use of semantics, seeing what is there first to narrow the production scope appears more likely the method to avoid dispute and unnecessary expense. If the State had been given the opportunity to review in advance each defendant' proposed production, (where repetitive forms were produced) thousands of pages could have been saved.

While we are concentrating on issues surrounding grower files it seems much easier to have an exemplar of grower file(s) (more than one if and when changes to type of data included would occur) to view and attempt to limit the production. Similarly for feed formulas, redundant production of the same formula is not necessary when the dates of begin and end of its use are provided. Production records not contained in grower files should be able to show accumulated totals for the quarter or year end, thus reducing all the interim or weekly reports. Some of these same forms may lessen the burden of production from grower files. These examples have been outlined by me more than once with the defendants as I have tried to cooperate in narrowing the production so that the state is not required to review a mass of unwanted documents and the defendant's cost of production would be lessened.

Again, I cannot effectively narrow the scope when there are document types and data bases unknown to the state. If a document is responsive and there is a lot of the same kind of documents I would expect to have the opportunity to review and assist the defendant in narrowing the production. Likewise if the same data can be shown on two reports, then the State would prefer to have the ability to choose one report over another and where possible assist the defendant by producing the easier accessed report. The issues of this case are pretty clear I think at this point and the defendants are in the best position to know what they have and whether it should be responsive. The state on the other hand is in a position to narrow the scope of production once it has available the universe of responsive and relevant documents to inspect, even if by way of exemplar.

While the defendants have chosen to do it there way in the past I respectively suggest my proposal will allow full and complete disclosure requested and in accordance with the Rules and will also reduce the actual production that should occur on an individualized basis. I look forward to your response.

Rick



**From:** Scott McDaniel [mailto:smcdaniel@mhla-law.com]

**Sent:** Tuesday, March 18, 2008 2:47 PM

**To:** Richard Garren

**Cc:** Bill Narwold; Bob Nance; Daniel Lennington; David Page; David Riggs; Deborah Ellis; Doug Wilson; Elizabeth Claire Xidis; Elizabeth Ward; Fidelma Fitzpatrick; Fred Baker; Ingrid Moll; Jean Burnett; Jonathan Orent; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Michelle Jaromin; Mike Rousseau; Sharon Gentry; Sharon Weaver; Trevor Hammons; Vaughn Iskanian; Jinger Waller

**Subject:** RE: OK v. Tyson - scope of discovery

Rick:

I was under the impression that you believed that it was feasible to identify specific types of information the state felt it needed from historical records, i.e., bird/house counts. Your response does not move us any closer to that goal. Given that the defendants have provided the state with a number of years of records, I assume you know what types of records there are and which ones contain information the state desires. Given what you already know about our documents, I fail to see the utility in having the companies provide you a list of documents and exemplars when you already have them.

I am operating under the assumption that after reviewing a numbers of year's worth of each company's documents, the state is seeking to expand the time for production based upon an identified need or purpose. If true, then we should be able to get this focused on what the state needs, present it to the companies and see what kind of response we receive. The alternative is either (1) a fight over the Motion; or (2) you will have to review a mass of documents you care nothing about. Surely we can handle this more efficiently, even if we have to tackle one issue at a time.

**A. Scott McDaniel**

320 South Boston Avenue

Suite 700

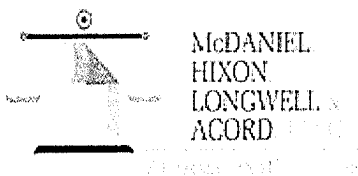
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**From:** Richard Garren [mailto:RGarren@riggsabney.com]

**Sent:** Tuesday, March 18, 2008 2:27 PM

**To:** Scott McDaniel

**Cc:** Bill Narwold; Bob Nance; Daniel Lennington; dpage@riggsabney.com; David Riggs; Deborah Ellis; Doug Wilson; Elizabeth Claire Xidis; Elizabeth Ward; Fidelma Fitzpatrick; Fred Baker; Ingrid Moll; Jean Burnett; Jonathan Orent; Julie Zielinski; Kelly Burch ; Lee Heath; Louis Bullock; Melissa Carr; Michelle Jaromin; Mike Rousseau; Richard Garren; Sharon Gentry; Sharon Weaver; Trevor Hammons; Vaughn Iskanian  
**Subject:** RE: OK v. Tyson - scope of discovery

Scott as we discussed before I am not in a position to tell you what the State wants when it is not known what individual defendants may possess. What the state has requested is what it wants. We also discussed the fact that an individual approach would likely be needed because materials and data for each will be different. I did agree there may be some parts of the grower file materials that do not need to be produced but that too would have to be handled on an individual defendant basis as, for example, the form names/titles are different for each.

I think a list of documents subject to production prepared by each defendant with exemplar materials attached to the list, would be the best approach. The State could choose from the list that which could be eliminated, thus limiting the production otherwise required. This would also avoid confusion over description of subjects or terminology that might be used in an attempt to limit the production requirements for each defendant.

Rick

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**From:** Scott McDaniel [mailto:smcdaniel@mhla-law.com]  
**Sent:** Tuesday, March 18, 2008 9:35 AM  
**To:** Richard Garren  
**Cc:** Jinger Waller  
**Subject:** OK v. Tyson - scope of discovery

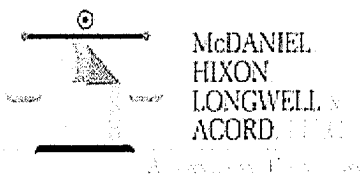
Rick:

We need to resume our discussion re the scope of pre-2000 discovery plaintiffs are seeking. The defendants still want to explore resolving the motion by working with plaintiffs to identify the specific historical information plaintiffs seek that will save all of the parties the time and expense involved in producing boxes of old grower files that you do not want.

My recollection was that the last communication was from you indicating that your group is working on the list of types of information you want. I encourage you to come forth with that information as soon as possible so we can see if a negotiated solution can be reached.

**A. Scott McDaniel**  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**STATE OF OKLAHOMA, ex rel.  
W. A. DREW EDMONDSON, in his capacity as  
ATTORNEY GENERAL OF THE STATE OF  
OKLAHOMA and OKLAHOMA SECRETARY  
OF THE ENVIRONMENT C. MILES TOLBERT,  
in his capacity as the TRUSTEE FOR NATURAL  
RESOURCES FOR THE STATE OF OKLAHOMA,**

**Plaintiff,**

**vs.**

**05-CV-0329 TCK-SAJ**

**TYSON FOODS, INC., TYSON POULTRY, INC.,  
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,  
AVIAGEN, INC., CAL-MAINE FOODS, INC.,  
CAL-MAINE FARMS, INC., CARGILL, INC.,  
CARGILL TURKEY PRODUCTION, LLC,  
GEORGE'S, INC., GEORGE'S FARMS, INC.,  
PETERSON FARMS, INC., SIMMONS FOODS, INC.,  
and WILLOW BROOK FOODS, INC.,**

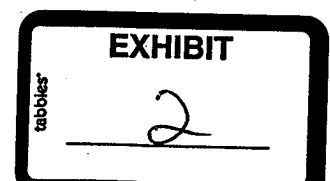
**Defendants.**

**FIRST SUPPLEMENTAL RESPONSES OF DEFENDANT,  
PETERSON FARMS, INC. TO STATE OF OKLAHOMA'S  
JULY 10, 2006 SET OF REQUESTS FOR PRODUCTION**

Defendant, Peterson Farms, Inc. ("Peterson Farms"), submits the following Supplemental Responses to State of Oklahoma's July 10, 2006 Set of Requests for Production to Peterson Farms, Inc., pursuant to Federal Rules of Civil Procedure 26 and 34.

**GENERAL OBJECTIONS:**

1. Peterson Farms objects to, and does not agree to subject itself to, the arbitrary and extraordinary "definitions" described by the Plaintiffs to certain terms as set forth in their July 10, 2006 Set of Request for Production propounded to Peterson Farms. To the extent that such terms appear in the Request for Production of Documents and are in excess of the requirements



of the Federal Rules of Civil Procedure, Peterson Farms instead ascribes the ordinary, every day and reasonably, commonly understood meanings which apply to such terms, and also which comply with the Federal Rules of Civil Procedure. Peterson Farms objects to the definitions to the extent they assume facts not in evidence or related to facts or contentions in dispute in the action. Peterson Farms also specifically objects to the following definitions:

a. The definition of “You” is overly broad and includes within its scope persons and/or entities distinct from Peterson Farms, and it includes within its scope persons who are protected from disclosure. Accordingly, Peterson Farms submits these responses on behalf of itself (which includes its officers, agents and employees) and not for any other person or entity, including any person or entity that raises poultry under contract with Peterson Farms.

b. The definition of “documents and materials” is overly broad. Peterson Farms submits these responses consistent with the definition of “documents” set forth in Fed. R. Civ. P. 34(a).

c. The definition of the term “run-off/discharge/release” is overly broad, vague and misleading, and includes within its scope both the acts of nature and volitional or negligent acts of persons, which cannot be characterized by a single term.

2. Each of the following responses is made subject to and without waiving any objections Peterson Farms may have with respect to the subsequent use of these responses or the documents identified pursuant thereto, and Peterson Farms specifically reserves: (a) all questions as to the privilege, relevancy, materiality, and admissibility of said responses or documents; (b) the right to object to the uses of said responses or the documents identified pursuant thereto in any lawsuit or proceeding on any or all of the foregoing grounds or on any other proper ground;

(c) the right to object on any and all proper grounds, at any time, to other discovery procedures involving or related to said responses or documents; and (d) the right, at any time, upon proper showing, to revise, correct or clarify any of the following responses.

3. Peterson Farms objects to each and every request to the extent it seeks or calls for information or the identification of documents which are protected from discovery and privileged by reason of: (a) the attorney-client communication privilege; (b) the “work product” doctrine; (c) the “trial preparation” doctrine; (d) the joint defense or “co-party” privilege; or (e) any other applicable discovery rule or privilege. To the extent Peterson Farms withholds or claims any protection from discovery from any document, Peterson Farms will produce logs of such documents as the document production progresses.

4. Peterson Farms objects to each and every request to the extent it seeks information or the identification of documents concerning any claims or occurrences other than the claims and occurrences set forth in Plaintiffs’ First Amended Complaint for which Plaintiffs request relief.

5. Peterson Farms objects to each request to the extent it seeks or relates to information or the identification of documents which are available to the public, and thus, equally available to Plaintiffs. Subject to and without waiving the foregoing objection, Peterson Farms will produce any public documents within its possession which are either responsive to Plaintiffs’ requests, or are within the scope of production described in the following responses. Additionally, Peterson farms has identified numerous public documents in its Initial Disclosures, and to the extent they are within Peterson Farms’ possession, they either have been or will be produced.

6. Peterson Farms objects to each request to the extent it seeks or relates to information or the identification of documents which are protected as confidential business information, and proprietary and confidential trade secrets.

7. Peterson Farms also incorporates as though fully restated herein all objections and limitations to responses made by every other Defendant to the corresponding requests for production.

8. The foregoing objections apply to each and every response herein. By specifically incorporating individual General Objections in any response, Peterson Farms expressly does not waive the application of the remainder of the General Objections to such response.

9. When the following responses state that Peterson Farms will produce certain documents, or that responsive documents will be produced for a certain time period, Peterson Farms is not assuring that in fact such documents for the entire time period have been located or identified for production.

Subject to these objections and subject to any additional objections set forth hereinafter, Peterson Farms responds to Plaintiffs' July 10, 2006 Set of Request for Production to Peterson Farms, Inc., as follows:

**Request for Production No. 1:** Please produce all documents and materials reflecting, referring to or relating to any contracts between you and poultry growers located in the Illinois River Watershed ("IRW") since 1970, including the contracts themselves, any amendments or changes to the contracts considered, proposed or adopted thereto, and any drafts of the contracts, amendments or changes.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it seeks the identification and production of documents extending back over 36 years, without any showing by Plaintiffs that such documents will be material or relevant to their claimed injuries. Peterson Farms does not maintain documents for this length of time as reflected in its document retention policy that Peterson Farms has agreed to produce to Plaintiffs. Peterson Farms also objects to this request to the extent it seeks documents older than the longest applicable statute of limitations, amounting to an overly broad and burdensome request seeking documents that are neither relevant nor likely to lead to the discovery of admissible evidence. Peterson Farms objects to this request as it seeks documents which are protected from discovery as containing confidential business information. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce responsive documents extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case.

**Request for Production No. 2:** Please produce all documents and materials reflecting, referring to or relating to the ingredients and composition of your present and/or historical feed formulas used at poultry growing operations within the IRW.

**Response:** Peterson objects to this request as overly broad and burdensome as it contains no time limitation, and further, because any such documents older than the longest applicable statute of limitations will be neither relevant nor will they lead to the discovery of admissible evidence. The request is also overly broad and burdensome in that its scope would conceivably include every grain receipt, invoice, and every cancelled check relating to the purchase of any feed ingredient for an unlimited period of time. Peterson Farms objects to this request as it seeks documents that are protected from discovery as highly confidential trade secrets. Without waiving the foregoing objections and the General Objections, Peterson Farms

will produce vendor/manufacturer literature for feed additives employed and its feed formulas utilized for poultry feed consumed in the Illinois River Watershed, and the feed delivery tickets for poultry operations in the Illinois River Watershed extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs. If Plaintiffs will narrow this request by identifying any particular feed component(s) for which they seek additional information and documentation, Peterson Farms will supplement its response.

**Request for Production No. 3:** Please produce all documents and materials reflecting, referring to or relating to any additives or supplements to your present and / or historical feed formulas used at poultry growing operations within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 2.

**Request for Production No. 4:** Please produce all documents and materials reflecting, referring to or relating to any hormones added to your present and / or historical feed formulas used at poultry growing operations within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 2. Furthermore, without waiving the foregoing objections and the General Objections, Peterson has not identified any documents responsive to this request.

**Request for Production No. 5:** Please produce all documents and materials reflecting, referring to or relating to any hormones, medications, antibiotics and / or vaccinations provided or given, presently or in the past, to your birds raised at poultry growing operations within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 2. Peterson Farms also objects to this request as overly broad and burdensome as it includes within its scope records of every single vaccination or medication given to any chicken over an unlimited time period, and would also include every vendor invoice, order, shipping receipt and cancelled check for any vaccinations, medications, etc. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce vendor/manufacturer literature for medications utilized with poultry raised in the Illinois River Watershed and vaccination logs extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs. If Plaintiffs will narrow this request by identifying any particular medication(s) for which they seek additional information and documentation, Peterson Farms will supplement its response.

**Request for Production No. 6:** Please produce all documents and materials reflecting, referring to or relating to the identity of the constituents of poultry waste / poultry litter / poultry manure.

**Response:** Peterson Farms objects to the term “poultry waste/poultry litter/poultry manure” as poultry manure and poultry litter are two distinct substances, neither of which can categorically be deemed “waste.” The foregoing objection to this term shall be continuing, and will apply as though fully set forth in the response to each and every request wherein Plaintiffs employ this term. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Peterson Farms objects to this request as overly broad and burdensome as it includes within its scope potentially

hundreds, if not thousands of documents, articles and items of literature within the public domain that contain at least a passing reference to poultry manure. Peterson Farms will not endeavor to identify or produce documents in the public domain, but directs Plaintiffs to its Initial Disclosures and supplements thereto for references to specific documents that are responsive to this request. Further, subject to and without waiving the foregoing objections, Peterson Farms will produce documents within its possession that discuss the properties of poultry manure and/or poultry litter that have application to the poultry operations in the Illinois River Watershed.

**Request for Production No. 7:** Please produce all documents and materials reflecting, referring to or relating to any reports, studies, analyses, testing, investigations or research of the composition or constituents of poultry waste / poultry litter / poultry manure.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 6.

**Request for Production No. 8:** Please produce all documents and materials reflecting, referring to or relating to any reports, studies, analyses, testing, investigations or research of the composition or constituents of poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you.

**Response:** Peterson Farms objects to the term “your poultry growing operations” as Peterson does not own or manage any poultry growing operations within the Illinois River Watershed. Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. The foregoing objection to this term shall be continuing, and will apply as though fully set forth in the response to each and

every request wherein Plaintiffs employ this term. Peterson Farms objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Further, Peterson Farms does not have the legal right or authority to sample or test the litter owned by its independent contract poultry growers. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce the Nutrient Management Plans or Animal Waste Management Plans of the poultry growers under contract with it in the Illinois River Watershed extending back to 2002 to the extent they have been provided to Peterson Farms, in accordance with the terms of the Confidentiality Order entered in this case. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 9:** Please produce all documents and materials reflecting, referring to or relating to run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations on which poultry waste / poultry litter / poultry manure has been stored.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Peterson Farms objects to this request as overly broad and burdensome as it includes within its scope potentially hundreds, if not thousands of documents, articles and items of

literature within the public domain that contain at least a passing reference to poultry manure. Peterson Farms will not endeavor to identify or produce documents in the public domain, but directs Plaintiffs to its Initial Disclosures and supplements thereto for references to specific documents that may be responsive to this request. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce the Nutrient Management Plans or Animal Waste Management Plans of the poultry growers under contract with it in the Illinois River Watershed extending back to 2002, to the extent they have been provided to Peterson Farms, in accordance with the terms of the Confidentiality Order entered in this case, as well as other documents in its possession which discuss the potential for runoff from poultry litter land application sites, which are applicable to the poultry operations in the Illinois River Watershed. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 10:** Please produce all documents and materials reflecting, referring to or relating to run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure has been stored.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 9.

**Request for Production No. 11:** Please produce all documents and materials reflecting, referring to or relating to run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you has been stored.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 9.

**Request for Production No. 12:** Please produce all documents and materials reflecting, referring to or relating to run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations on which poultry waste / poultry litter / poultry manure has been land applied.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 9. Furthermore, Peterson Farms does not possess knowledge of where poultry litter is land applied in the Illinois River Watershed other than incidental information, which may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 13:** Please produce all documents and materials reflecting, referring to or relating to run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure has been land applied.

**Response:** For its response, Peterson Farms incorporates its objections and responses to Requests No. 9 and 12.

**Request for Production No. 14:** Please produce all documents and materials reflecting, referring to or relating to run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you has been land applied.

**Response:** For its response, Peterson Farms incorporates its objections and responses to Requests No. 9 and 12.

**Request for Production No. 15:** Please produce all documents and materials reflecting, referring to or relating to any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations on which poultry waste / poultry litter / poultry manure has been stored.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Peterson Farms objects to this request as overly broad and burdensome as it includes within its scope potentially hundreds, if not thousands of documents, articles and items of literature within the public domain that contain at least a passing reference to poultry manure and potential environmental effects. Peterson Farms will not endeavor to identify or produce documents in the public domain, but directs Plaintiffs to its Initial Disclosures and supplements thereto for references to specific documents that may be responsive to this request. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce the Nutrient Management Plans or Animal Waste Management Plans of the poultry growers under contract with it in the Illinois River Watershed extending back to 2002, to the extent they have been provided to Peterson Farms, in accordance with the terms of the Confidentiality Order entered in this case, as well as other documents in its possession which discuss the potential for environmental impacts from poultry litter land application sites, which are applicable to the

poultry operations in the Illinois River Watershed. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 16:** Please produce all documents and materials reflecting, referring to or relating to any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure has been stored.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 15.

**Request for Production No. 17:** Please produce all documents and materials reflecting, referring to or relating to any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you has been stored.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 15.

**Request for Production No. 18:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations on which poultry waste / poultry litter / poultry manure has been stored.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson has not identified any non-privileged documents responsive to this request.

**Request for Production No. 19:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure has been stored.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 18.

**Request for Production No. 20:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you has been stored.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 18.

**Request for Production No. 21:** Please produce all documents and materials reflecting, referring to or relating to any human health effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations on which poultry waste / poultry litter / poultry manure has been stored.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Peterson Farms objects to this request as overly broad and burdensome as it includes within its scope potentially hundreds, if not thousands of documents, articles and items of literature within the public domain that contain at least a passing reference to poultry manure and potential effects. Peterson Farms will not endeavor to identify or produce documents in the public domain, but directs Plaintiffs to its Initial Disclosures and supplements thereto for references to specific documents that may be responsive to this request.

**Request for Production No. 22:** Please produce all documents and materials reflecting, referring to or relating to any human health effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure has been stored.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence.

Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson has not identified any non-privileged documents responsive to this request.

**Request for Production No. 23:** Please produce all documents and materials reflecting, referring to or relating to any human health effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you has been stored.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 22.

**Request for Production No. 24:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any human health effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations on which poultry waste / poultry litter / poultry manure has been stored.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection

No. 3. Without waiving the foregoing objections and the General Objections, Peterson has not identified any non-privileged documents responsive to this request.

**Request for Production No. 25:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any human health effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure has been stored.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 24.

**Request for Production No. 26:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any human health effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you has been stored.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 24.

**Request for Production No. 27:** Please produce all documents and materials reflecting, referring to or relating to any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations on which poultry waste / poultry litter / poultry manure has been land applied.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Peterson Farms objects to this request as overly broad and burdensome as it includes within its scope potentially hundreds, if not thousands of documents, articles and items of literature within the public domain that contain at least a passing reference to poultry manure and the environment. Furthermore, Peterson Farms does not possess knowledge of where poultry litter is land applied in the Illinois River Watershed other than incidental information, which may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs. Peterson Farms will not endeavor to identify or produce documents in the public domain, but directs Plaintiffs to its Initial Disclosures and supplements thereto for references to specific documents that may be responsive to this request. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce the Nutrient Management Plans or Animal Waste Management Plans of the poultry growers under contract with it in the Illinois River Watershed extending back to 2002, to the extent they have been provided to Peterson Farms, in accordance with the terms of the Confidentiality Order entered in this case, as well as other documents in its possession which discuss the potential for runoff from poultry litter land application sites, which are applicable to the poultry operations in the Illinois River Watershed. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 28:** Please produce all documents and materials reflecting, referring to or relating to any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure has been land applied.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 27.

**Request for Production No. 29:** Please produce all documents and materials reflecting, referring to or relating to any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you has been land applied.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 27.

**Request for Production No. 30:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations on which poultry waste / poultry litter / poultry manure has been land applied.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will

they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Furthermore, Peterson Farms does not possess knowledge of where poultry litter is land applied in the Illinois River Watershed other than incidental information, which may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 31:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure has been land applied.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 30.

**Request for Production No. 32:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any environmental effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you has been land applied.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 30.

**Request for Production No. 33:** Please produce all documents and materials reflecting, referring to or relating to any human health effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations on which poultry waste / poultry litter / poultry manure has been land applied.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Peterson Farms objects to this request as overly broad and burdensome as it includes within its scope potentially hundreds, if not thousands of documents, articles and items of literature within the public domain that contain at least a passing reference to poultry manure and the environment. Furthermore, Peterson Farms does not possess knowledge of where poultry litter is land applied in the Illinois River Watershed other than incidental information, which may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs. Peterson Farms will not endeavor to identify or produce documents in the public domain, but directs Plaintiffs to its Initial Disclosures and supplements thereto for references to specific documents that may be responsive to this request. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce the Nutrient Management Plans or Animal Waste Management Plans of the poultry growers under contract with it in the Illinois River Watershed extending back to 2002, to the extent they have

been provided to Peterson Farms, in accordance with the terms of the Confidentiality Order entered in this case, as well as other documents in its possession which discuss the potential for runoff from poultry litter land application sites, which are applicable to the poultry operations in the Illinois River Watershed. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 34:** Please produce all documents and materials reflecting, referring to or relating to any human health effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure has been land applied.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 33.

**Request for Production No. 35:** Please produce all documents and materials reflecting, referring to or relating to any human health effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you has been land applied.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 33.

**Request for Production No. 36:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to

evaluate and / or quantify any human health effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations on which poultry waste / poultry litter / poultry manure has been land applied.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Furthermore, Peterson Farms does not possess knowledge of where poultry litter is land applied in the Illinois River Watershed other than incidental information, which may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs. Without waiving the foregoing objections and the General Objections, Peterson has not identified any non-privileged documents responsive to this request.

**Request for Production No. 37:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any human health effects / impacts of run-off / discharge / release of poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure has been land applied.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 36.

**Request for Production No. 38:** Please produce all documents and materials reflecting, referring to or relating to any efforts undertaken by you, directly or indirectly, to evaluate and / or quantify any human health effects / impacts of run-off / discharge / release of

poultry waste / poultry litter / poultry manure (or any constituents thereof) from land or locations within the IRW on which poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you has been land applied.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 36.

**Request for Production No. 39:** Please produce all documents and materials reflecting, referring to or relating to the use of poultry waste / poultry litter / poultry manure.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time, or to operations within the Illinois River Watershed, and fails to specify to what specific “use of poultry litter” it refers. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Peterson Farms objects to this request as overly broad and burdensome as it includes within its scope potentially hundreds, if not thousands of documents, articles and items of literature within the public domain that contain at least a passing reference to the multitude of uses for and management of poultry litter. Given that Plaintiffs’ claims derive from their allegations regarding the use/handling/management/storage/“disposal” of poultry litter and nutrient management practices, this request is so broad as to potentially encompass every document produced by every party to the litigation. Peterson Farms will not endeavor to identify or produce documents in the public domain, but directs Plaintiffs to its Initial Disclosures and supplements thereto for references to specific documents that may be responsive to this request. Without waiving the foregoing

objections and the General Objections, Peterson Farms will produce its contracts, production manuals, and the Nutrient Management Plans or Animal Waste Management Plans of the poultry growers under contract with it in the Illinois River Watershed extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case, and will produce non-public, non-privileged documents from the relevant time period that are relevant to the poultry growing operations within the Illinois River Watershed. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 40:** Please produce all documents and materials reflecting, referring to or relating to the use of poultry waste / poultry litter / poultry manure within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39. Furthermore, Peterson Farms does not possess knowledge of where poultry litter is land applied in the Illinois River Watershed other than incidental information, which may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 41:** Please produce all documents and materials reflecting, referring to or relating to the use of poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 40.

**Request for Production No. 42:** Please produce all documents and materials reflecting, referring to or relating to the management of poultry waste / poultry litter / poultry manure.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39.

**Request for Production No. 43:** Please produce all documents and materials reflecting, referring to or relating to the management of poultry waste / poultry litter / poultry manure within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39.

**Request for Production No. 44:** Please produce all documents and materials reflecting, referring to or relating to the management of poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 40.

**Request for Production No. 45:** Please produce all documents and materials reflecting, referring to or relating to the handling of poultry waste / poultry litter / poultry manure.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39. Peterson also objects to the request as being overly broad and vague in that the term “handling” is not defined, which would require Peterson Farms to speculate in its response.

**Request for Production No. 46:** Please produce all documents and materials reflecting, referring to or relating to the handling of poultry waste / poultry litter / poultry manure within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 45. Furthermore, Peterson Farms does not possess knowledge of where poultry litter is land applied in the Illinois River Watershed other than incidental information, which may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 47:** Please produce all documents and materials reflecting, referring to or relating to the handling of poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 45. Furthermore, Peterson Farms does not possess knowledge of where poultry litter is land applied in the Illinois River Watershed other than incidental information, which may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 48:** Please produce all documents and materials reflecting, referring to or relating to the storage of poultry waste / poultry litter / poultry manure.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39.

**Request for Production No. 49:** Please produce all documents and materials reflecting, referring to or relating to the storage of poultry waste / poultry litter / poultry manure within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39.

**Request for Production No. 50:** Please produce all documents and materials reflecting, referring to or relating to the storage of poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39.

**Request for Production No. 51:** Please produce all documents and materials reflecting, referring to or relating to the disposal of poultry waste / poultry litter / poultry manure.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39. Furthermore, Peterson Farms objects to the term “disposal” as poultry litter is a valuable soil conditioner and fertilizer, the use of which to support crop production has been well recognized as a reasonable agricultural practice for ages. The foregoing objection to this term shall be continuing, and will apply as though fully set forth in the response to each and every request wherein Plaintiffs employ this term. To the extent Plaintiffs intend for the term “disposal” to mean the land application of poultry litter, Peterson Farms directs Plaintiffs to its responses addressing this topic.

**Request for Production No. 52:** Please produce all documents and materials reflecting, referring to or relating to the disposal of poultry waste / poultry litter / poultry manure within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request Nos. 40 and 51.

**Request for Production No. 53:** Please produce all documents and materials reflecting, referring to or relating to the disposal of poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request Nos. 40 and 51.

**Request for Production No. 54:** Please produce all documents and materials reflecting, referring to or relating to the transport of poultry waste / poultry litter / poultry manure.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Peterson Farms objects to this request as overly broad and burdensome as it includes within its scope potentially hundreds, if not thousands of documents, articles and items of literature within the public domain that contain at least a passing reference to the transportation of poultry litter. Peterson Farms will not endeavor to identify or produce documents in the

public domain, but directs Plaintiffs to its Initial Disclosures and supplements thereto for references to specific documents that may be responsive to this request. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-public, non-privileged documents that are relevant to the poultry growing operations within the Illinois River Watershed extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 55:** Please produce all documents and materials reflecting, referring to or relating to the transport of poultry waste / poultry litter / poultry manure within or from the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 54.

**Request for Production No. 56:** Please produce all documents and materials reflecting, referring to or relating to the transport of poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you within or from the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 54.

**Request for Production No. 57:** Please produce all documents and materials reflecting, referring to or relating to the land application of poultry waste / poultry litter / poultry manure.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39.

**Request for Production No. 58:** Please produce all documents and materials reflecting, referring to or relating to the land application of poultry waste / poultry litter / poultry manure within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 40.

**Request for Production No. 59:** Please produce all documents and materials reflecting, referring to or relating to the land application of poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 40.

**Request for Production No. 60:** Please produce all documents and materials reflecting, referring to or relating to the location where poultry waste / poultry litter / poultry manure (or any constituents thereof) that has run-off or discharged from land within the IRW has come to be located.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 13. Peterson Farms further objects to this request as it assumes fact which are not in evidence.

**Request for Production No. 61:** Please produce all documents and materials reflecting, referring to or relating to the location where poultry waste / poultry litter / poultry manure (or any constituents thereof) produced / generated by your poultry growing operations or poultry growing operations under contract with you that has run-off or discharged from land within the IRW has come to be located.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 14. Peterson Farms further objects to this request as it assumes fact which are not in evidence.

**Request for Production No. 62:** Please produce all documents and materials reflecting, referring to or relating to best management practices for the handling, storage, transport, use or disposal of poultry waste / poultry litter / poultry manure.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Peterson Farms objects to this request as overly broad and burdensome as it includes within its scope potentially hundreds, if not thousands of documents, articles and items of literature within the public domain that contain at least a passing reference to the transportation of poultry litter. Peterson Farms will not endeavor to identify or produce documents in the public domain, but directs Plaintiffs to its Initial Disclosures and supplements thereto for references to specific documents that are responsive to this request. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-public, non-privileged documents that are relevant to the poultry growing operations within the Illinois River Watershed extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 63:** Please produce all documents and materials reflecting, referring to or relating to best management practices for the handling, storage, transport, use or disposal of poultry waste / poultry litter / poultry manure within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 62. Furthermore, Peterson Farms does not possess knowledge of the implementation of Best Management Practices on privately-owned lands within the Illinois River Watershed other than incidental information, which may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 64:** Please produce all documents and materials reflecting, referring to or relating to best management practices for the handling, storage, transport, use or disposal of poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 63.

**Request for Production No. 65:** Please produce all documents and materials reflecting, referring to or relating to nutrient management practices.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39.

**Request for Production No. 66:** Please produce all documents and materials reflecting, referring to or relating to nutrient management practices within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39.

**Request for Production No. 67:** Please produce all documents and materials reflecting, referring to or relating to any actions (including but not limited to disciplinary actions) you have taken or contemplated taking against any of your poultry growers pertaining to the handling, storage, transport, use or disposal of poultry waste / poultry litter / poultry manure.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3.

**Request for Production No. 68:** Please produce all documents and materials reflecting, referring to or relating to any actions (including but not limited to disciplinary actions) you have taken or contemplated taking against any of your poultry growers pertaining to the handling, storage, transport, use or disposal of poultry waste / poultry litter / poultry manure within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 67. Without waiving the foregoing objections and the General Objections, Peterson has not identified any non-privileged documents responsive to this request.

**Request for Production No. 69:** Please produce all documents and materials reflecting, referring to or relating to alternative uses or methods of disposal for poultry waste / poultry litter / poultry manure.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 39. Peterson Farms also objects to this request as the terms “alternative uses or

methods” is not defined, which would require Peterson Farms to speculate in its response. In responding to this request, Peterson Farms assumes that “alternative uses and methods” refers to practices and methodologies other than the land application of poultry litter for the benefit of crops and soil. Subject to and without waiving the foregoing objections, Peterson Farms will produce documents within its possession that relate to possible uses for poultry litter other than land application for the benefit of crops and the soil, in accordance with the terms of the Confidentiality Order entered in this case.

**Request for Production No. 70:** Please produce all documents and materials reflecting, referring to or relating to alternative uses or methods of disposal for poultry waste / poultry litter / poultry manure within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 69.

**Request for Production No. 71:** Please produce all documents and materials reflecting, referring to or relating to alternative uses or methods of disposal for poultry waste / poultry litter / poultry manure produced / generated by your poultry growing operations or poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 69.

**Request for Production No. 72:** Please produce all documents and materials reflecting, referring to or relating to correspondence or communication between you and any of your poultry growers concerning the handling, storage, transport, use or disposal of poultry waste / poultry litter / poultry manure within the IRW.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce any non-privileged documents responsive to this request.

**Request for Production No. 73:** Please produce all documents and materials reflecting, referring to or relating to the amount of poultry waste / poultry litter / poultry manure produced / generated at poultry growing operations within the IRW.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce any non-privileged documents responsive to this request.

**Request for Production No. 74:** Please produce all documents and materials reflecting, referring to or relating to the amount of poultry waste / poultry litter / poultry manure produced / generated at your poultry growing operations within the IRW.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time. Peterson does not own or manage poultry growing operations in the Illinois River Watershed, and therefore, without waiving the foregoing objections and the

General Objections, Peterson has not identified any non-privileged documents responsive to this request.

**Request for Production No. 75:** Please produce all documents and materials reflecting, referring to or relating to the amount of poultry waste / poultry litter / poultry manure produced / generated at poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 73.

**Request for Production No. 76:** Please produce all documents and materials reflecting, referring to or relating to any statements, directives or instructions pertaining to the design, specifications, construction, modification and / or maintenance of poultry growing houses issued by you.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents that are relevant to the poultry growing operations within the Illinois River Watershed extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 77:** Please produce all documents and materials reflecting, referring to or relating to any statements, directives or instructions pertaining to the design, specifications, construction, modification and / or maintenance of poultry growing houses issued by you to persons owning or operating poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 76.

**Request for Production No. 78:** Please produce all documents and materials reflecting, referring to or relating to any statements, directives or instructions pertaining to the raising of birds (including, without limitation, the feeding, the house conditions, the provision of preventative medication or vaccinations, the provision of dietary supplements, etc.) issued by you to persons owning or operating poultry growing operations under contract with you.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents that are relevant to the poultry growing operations within the Illinois River Watershed extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 79:** Please produce all documents and materials reflecting, referring to or relating to any statements, directives or instructions pertaining to the raising of birds (including, without limitation, the feeding, the house conditions, the provision of preventative medication or vaccinations, the provision of dietary supplements, etc.) issued by you to persons owning or operating poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 78.

**Request for Production No. 80:** Please produce all documents and materials reflecting, referring to or relating to any statements, directives or instructions pertaining to the ownership, handling, storage, management, transport and / or disposal of poultry waste / poultry litter / poultry manure issued by you to persons owning or operating poultry growing operations under contract with you.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms states that this request is duplicative of Plaintiffs' requests seeking documents related to the handling, storage, management, transport and / or "disposal" of poultry waste / poultry litter / poultry manure, and Plaintiffs are directed to Peterson Farm's responses to such requests. With regard to the request as it pertains to the "ownership" of poultry litter, Peterson Farms directs

Plaintiffs to the contracts with the independent contract growers operating within the Illinois River Watershed, which Peterson Farms has previously agreed to produce.

**Request for Production No. 81:** Please produce all documents and materials reflecting, referring to or relating to any statements, directives or instructions pertaining to the ownership, handling, storage, management, transport and / or disposal of poultry waste / poultry litter / poultry manure issued by you to persons owning or operating poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 80.

**Request for Production No. 82:** Please produce all documents and materials reflecting, referring to or relating to any statements, directives or instructions pertaining to the ownership of birds (living and dead) issued by you to persons owning or operating poultry growing operations under contract with you.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents that are relevant to the poultry growing operations within the Illinois River Watershed extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case. Additional responsive documents may be contained

within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 83:** Please produce all documents and materials reflecting, referring to or relating to any statements, directives or instructions pertaining to the ownership of birds (living and dead) issued by you to persons owning or operating poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 82.

**Request for Production No. 84:** Please produce all documents and materials reflecting, referring to or relating to any grower manuals, guides or hand-outs issued or provided by you to persons owning or operating poultry growing operations under contract with you.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents that are relevant to the poultry growing operations within the Illinois River Watershed extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case. Additional responsive documents have previously been identified in Peterson Farms' Initial Disclosures and the documents produced pursuant thereto, and may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 85:** Please produce all documents and materials reflecting, referring to or relating to any grower manuals, guides or hand-outs issued or provided by you to persons owning or operating poultry growing operations under contract with you within the IRW.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 84.

**Request for Production No. 86:** Please produce all documents and materials reflecting, referring to or relating to any inspection reports / monitoring reports / site visit reports pertaining to poultry growing operations under contract with you within the IRW.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents that are relevant to the poultry growing operations within the Illinois River Watershed extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 87:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or the subject matter of this lawsuit with the State of Arkansas (including but not limited to any of its elected officials, appointed officials, employees, departments, agencies, commissions, etc.).

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents responsive to this request.

**Request for Production No. 88:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or the subject matter of this lawsuit with any political subdivisions of the State of Arkansas (e.g., including but not limited to counties, cities, towns, municipalities and any of their elected officials, appointed officials, employees, departments, agencies, commissions, etc.).

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 87.

**Request for Production No. 89:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or the subject matter of this lawsuit with any university or college in the State of Arkansas (including but not limited to any of its employees or departments).

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. without waiving the foregoing objections and General Objections, Peterson Farms has not identified any non-privileged documents responsive to this request.

**Request for Production No. 90:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or the subject matter of this lawsuit with any extension agents in the State of Arkansas (including but not limited to any of its employees or departments).

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, see General Objection No. 3. without waiving the foregoing objections and General Objections, Peterson Farms has not identified any non-privileged documents responsive to this request.

**Request for Production No. 91:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or the subject matter of this lawsuit with the State of Oklahoma (including but not limited to any of its elected officials, appointed officials, employees, departments, agencies, commissions, etc.).

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents responsive to this request.

**Request for Production No. 92:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or the subject matter of this lawsuit with any political subdivisions of the State of Oklahoma (e.g., including but not limited to counties, cities, towns, municipalities and any of their elected officials, appointed officials, employees, departments, agencies, commissions, etc.).

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 91.

**Request for Production No. 93:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or the subject matter of this lawsuit with any university or college in the State of Oklahoma (including but not limited to any of its employees or departments).

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms has not identified any non-privileged documents responsive to this request.

**Request for Production No. 94:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or the subject matter of this lawsuit with any extension agents in the State of Oklahoma (including but not limited to any of its employees or departments).

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms has not identified any non-privileged documents responsive to this request.

**Request for Production No. 95:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or the subject matter of this lawsuit with the United States government (including but not limited to any of its elected officials, appointed officials, employees, departments, agencies, commissions, etc.).

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms has not identified any non-privileged documents responsive to this request.

**Request for Production No. 96:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or

the subject matter of this lawsuit with any Farm Bureau (including but not limited to any of its employees).

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents responsive to this request.

**Request for Production No. 97:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or the subject matter of this lawsuit with any Chamber of Commerce (including but not limited to any of its employees).

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms has not identified any non-privileged documents responsive to this request.

**Request for Production No. 98:** Please produce all documents and materials reflecting, referring to or relating to any communications you have had regarding this lawsuit or the subject matter of this lawsuit with any poultry growers.

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents responsive to this request.

**Request for Production No. 99:** Please produce all documents and materials reflecting, referring to or relating to Poultry Partners, Inc. (including but not limited to any of its officers, employees, attorneys or members).

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to subjects relevant to the pending lawsuit. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents responsive to this request.

**Request for Production No. 100:** Please produce all documents and materials reflecting, referring to or relating to the Poultry Community Council (including but not limited to any of its officers, employees, attorneys or members).

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to subjects relevant to the pending lawsuit. Because the request seeks all documents relating to the Poultry Community Council's ("PCC") "officers, employees, attorneys or members" the scope of the request as written is exponentially larger than what Plaintiffs may truly be seeking. If Plaintiffs will narrow their request, Peterson Farms will respond accordingly. The PCC is not a separate legal entity, and therefore, documents created related to PCC which have not been disclosed to the public involving Peterson Farm's confidential consultants retained in anticipation of litigation are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents responsive to this request.

**Request for Production No. 101:** Please produce all documents and materials reflecting, referring to or relating to Hall Estill or any of its attorneys.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to subjects relevant to the pending lawsuit. Peterson Farms also objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3.

**Request for Production No. 102:** Please produce all documents and materials reflecting, referring to or relating to BMP's, Inc. or any of its officers or employees.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to subjects relevant to the pending lawsuit. Because the request seeks all documents relating to BMPs, Inc.'s "officers or employees," the scope of the request as written is exponentially larger than what Plaintiffs may truly be seeking. If Plaintiffs will narrow their request, Peterson Farms will respond accordingly. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents responsive to this request, which are applicable to poultry operations in the Illinois River Watershed.

**Request for Production No. 103:** Please produce all documents and materials reflecting, referring to or relating to any public statements, speeches, releases or communications you have made regarding this lawsuit or the subject matter of this lawsuit.

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents responsive to this request.

**Request for Production No. 104:** Please produce all documents and materials reflecting, referring to or relating to any internal statements, speeches, releases or communications you have made regarding this lawsuit or the subject matter of this lawsuit.

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents responsive to this request.

**Request for Production No. 105:** Please produce all documents and materials reflecting, referring to or relating to the nature or character of the legal relationship between you and your contract growers.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents that are relevant to the poultry growing operations within the Illinois River Watershed extending back to 2002 in accordance with the terms of the Confidentiality Order entered in this case. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 106:** Please produce all documents and materials reflecting, referring to or relating to any legal disputes or lawsuits regarding the nature or character of the legal relationship between you and your contract growers.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms has not identified any non-privileged documents responsive to this request.

**Request for Production No. 107:** Please produce all documents and materials reflecting, referring to or relating to your net worth.

**Response:** Peterson objects to this request as it includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure as confidential business information. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce a copy of its current balance sheet in accordance with the terms of the Confidentiality Order entered by the Court in this case.

**Request for Production No. 108:** Please produce copies of any charts, diagrams or schematics reflecting your present and / or past corporate structure and relationship to any corporate affiliates.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time. Peterson objects to this request as it also includes within its scope

documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce copies of its organizational charts extending back to 2002.

**Request for Production No. 109:** Please produce copies of any charts, diagrams or schematics reflecting the present and / or past management or organizational structures for those portions of your business relating, directly or indirectly, to poultry growing, as well as any charts, diagrams or schematics reflecting the personnel / employees holding positions within those structures.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 108.

**Request for Production No. 110:** Please produce copies of any charts, diagrams or schematics reflecting the present and / or past management or organizational structures for those portions of your business relating, directly or indirectly, to environmental issues, as well as any charts, diagrams or schematics reflecting the personnel / employees holding positions within those structures.

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 108.

**Request for Production No. 111:** Please produce all documents and materials supporting or underlying the allegations made in paragraph 3 of the Third Party Complaint [DKT. #80].

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the

foregoing objections and the General Objections, Peterson Farms directs Plaintiffs to its Amended Initial Disclosures and the documents produced pursuant thereto.

**Request for Production No. 112:** Please produce all documents and materials reflecting, referring to or relating to the number of birds raised in the IRW each year (since 1952) by you or poultry growers under contract with you.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it seeks all documents reflecting poultry production in the Illinois River Watershed for 54 years. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce settlement sheets for its independent contract growers within the Illinois River Watershed extending back to 2002, and its placement and kill schedules, which Peterson Farms previously agreed to produce pursuant to Plaintiffs' prior request pursuant to the Confidentiality Order in this case. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 113:** Please produce all documents and materials reflecting, referring to or relating to the amount of poultry manure produced per bird owned by you.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will

they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms has not identified any non-privileged documents responsive to this request that addresses manure production by Peterson Farms' chickens; however, Plaintiffs are directed to Peterson Farms' Amended Initial Disclosures and the documents produced pursuant thereto for information that may be generally responsive to this request.

**Request for Production No. 114:** Please produce all documents and materials reflecting, referring to or relating to the amount of poultry waste / poultry litter / poultry manure produced per year in connection with your poultry growing operations (including poultry growing operations under contract with you) in the IRW each year (since 1952).

**Response:** For its response, Peterson Farms incorporates its objections and response to Request No. 73.

**Request for Production No. 115:** Please produce all documents and materials reflecting, referring to or relating to the number of bird carcasses produced per year in connection with your poultry growing operations (including poultry growing operations under contract with you) in the IRW each year (since 1952).

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it seeks all documents reflecting poultry mortality in the Illinois River Watershed for 54 years. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections,

and in accordance with the terms of the Confidentiality Order entered in this case, Peterson Farms will produce settlement sheets and/or mortality cards for its independent contract growers within the Illinois River Watershed extending back to 2002, which reflect chicken mortality in each flock. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 116:** Please produce all documents and materials reflecting, referring to or relating to the disposal of bird carcasses produced in connection with your poultry growing operations (including poultry growing operations under contract with you) in the IRW each year (since 1952).

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it seeks all documents reflecting poultry mortality in the Illinois River Watershed for 54 years. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce its manuals and guidelines for the disposal of chicken carcasses applicable to its independent contract growers within the Illinois River Watershed extending back to 2002 pursuant to the Confidentiality Order entered in this case. Additional responsive documents may be contained within the individual grower files, which Peterson has agreed to produce pursuant to prior requests from Plaintiffs.

**Request for Production No. 117:** Please produce all documents and materials reflecting, referring to or relating to the present environmental quality, character or condition of the lakes, rivers, streams and creeks located in the Oklahoma portion of the IRW.

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms directs Plaintiffs to its Amended Initial Disclosures and the documents produced pursuant thereto.

**Request for Production No. 118:** Please produce all documents and materials reflecting, referring to or relating to the historical environmental quality, character or condition of the lakes, rivers, streams and creeks located in the Oklahoma portion of the IRW.

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms directs Plaintiffs to its Amended Initial Disclosures and the documents produced pursuant thereto.

**Request for Production No. 119:** Please produce all documents and materials reflecting, referring to or relating to any advertising or public relations campaigns paid for you, directly or indirectly, in whole or in part, that address the environmental impact of poultry growing or poultry production.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson also objects to this request as it assumes facts not in evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms will produce non-privileged documents responsive to this request.

**Request for Production No. 120:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on soils or lands located within the IRW.

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Subject to and without waiving the foregoing objection, Peterson Farms will produce all non-privileged documents responsive to this request.

**Request for Production No. 121:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on surface waters located within the IRW.

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Subject to and without waiving the foregoing objection, Peterson Farms will produce all non-privileged documents responsive to this request.

**Request for Production No. 122:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on ground waters located within the IRW.

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Subject to and without waiving the foregoing objection, Peterson Farms will produce all non-privileged documents responsive to this request.

**Request for Production No. 123:** Please produce all documents and materials reflecting, referring to or relating to any testing or analyses performed by or on behalf of you on edge-of-field run-off from lands located within the IRW.

**Response:** Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Subject to and without waiving the foregoing objection, Peterson Farms will produce all non-privileged documents responsive to this request.

**Request for Production No. 124:** Please produce all documents and materials reflecting, referring to or relating to any citations, tickets, fines, penalties or warnings issued to you or poultry growers under contract with you that pertain to actual or alleged run-off or discharge of poultry waste / poultry litter / poultry manure.

**Response:** Peterson Farms objects to this request as overly broad and burdensome as it is not limited in time or to operations within the Illinois River Watershed. Peterson objects to this request as it also includes within its scope documents which are neither relevant, nor will they lead to the discovery of admissible evidence. Peterson also objects to this request as it assumes facts not in evidence. Peterson Farms objects to this request as it includes documents within its scope which are protected from disclosure, *see* General Objection No. 3. Without waiving the foregoing objections and the General Objections, Peterson Farms has not identified any non-privileged documents pertaining to the operations of the independent growers under contract with it back to 2002.

**Request for Production No. 125:** Please produce all documents and materials reflecting, referring to or relating to the destruction of any documents and materials that would

have been responsive to any of the above requests for production but due to their destruction are no longer in existence.

**Response:** Peterson Farms objects to this request as vague and unintelligible. Without waiving the foregoing objections and the General Objections, Peterson Farms has not identified any documents responsive to this request.

Respectfully submitted,

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### CERTIFICATE OF SERVICE

I certify that on the 26th day of January, 2007, I electronically transmitted the attached document to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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